



U.S. Department of Justice
Office of the Solicitor General



Washington, D.C. 20530

June 26, 1985

MEMORANDUM TO: D. Lowell Jensen
Deputy Attorney General

FROM: Charles Fried *CF*
Acting Solicitor General

SUBJECT: Weekly Report

<u>PROJECTED DATE</u>	<u>PERSONS</u>	<u>EVENT DESCRIPTION</u>
6/28/85	FRIED	Speech before the Federalist Society, Washington, D.C.
6/28/85	GELLER LEVY	Filing of merits brief in <u>Pennsylvania Bureau of Correction v. U.S. Marshals Service</u> . The issue is whether a district court has the authority to require the United States Marshals Service rather than the state to transport state prisoners to a federal courthouse for the trial of a \$ 1983 suit brought by one of the prisoners.
7/5/85	FREY HOROWITZ	Filing of merits brief in <u>United States v. Von Neumann</u> . The issues are: (1) Whether a statutory provision permitting a claimant to petition the Customs Service for discretionary remission or mitigation of penalties for violations of the customs laws creates a property interest subject to the Due Process Clause; and (2) If so, whether the mere passage of 36 days from the filing of a petition to its disposition is a due process violation.

will be in the file on due process

<u>PROJECTED DATE</u>	<u>PERSONS</u>	<u>EVENT DESCRIPTION</u>
7/8/85	FRIED LARKIN	Filing of brief amicus curiae in support of appellants in <u>Thornburg v. Gingles</u> . The issue is whether it was erroneous for a district court to invalidate under the Voting Rights Act certain multi-member legislative districts in North Carolina in which minority candidates had in fact achieved significant electoral successes.
7/11/85	WALLACE SHAPIRO	Filing of merits brief in <u>NLRB v. Financial Institution Employees</u> . The issue is whether all bargaining unit employees, not just union members, must be given the opportunity to vote on the affiliation of their bargaining representative with an international union before the newly affiliated union has a right to continued recognition as the unit employees' exclusive bargaining representative.
7/12/85	GELLER ROTHFELD	Filing of cert. petitions in <u>Schultz v. Palmer and Library of Congress v. Shaw</u> . The issue in these cases is whether sovereign immunity precludes the award of prejudgment interest or "delay adjustments" against the government in Title VII cases.
7/12/85	FREY ALITO	Filing of merits brief in <u>United States v. Inadi</u> . The issue is whether the government, in order to secure the admission at a conspiracy trial of the statements of a co-conspirator, must either show that the declarant is unavailable or produce him at trial.
7/15/85	GELLER KNEEDLER	Filing of cert. petition in <u>Heckler v. Polaski, et al.</u> The issue is whether Social Security disability claimants can be judicially excused in a class action from exhausting their administrative remedies.

<u>PROJECTED DATE</u>	<u>PERSONS</u>	<u>EVENT DESCRIPTION</u>
7/17/85	FRIED LARKIN	Filing of cert. petition in <u>Orr v. Turner</u> . The issue is whether a district court lacks authority under Title VII to order the government to hire a minority job applicant who has not been found to have been the victim of discrimination, in order to enforce the "good faith" terms of a consent decree.
7/18/85	CLAIBORNE KNEEDLER	Filing of brief amicus curiae in support of petitioners in <u>South Carolina, et al. v. Catawba Tribe of South Carolina</u> . The issue is whether a state statute of limitations and law of adverse possession apply to the tribe's claim to a 144,000 acre tract that was conveyed by the tribe to the State of South Carolina in 1840.
*7/18/85	GELLER OBERLY	Filing of brief amicus curiae in support of petitioners in <u>Evans v. Jeff D., et al.</u> The issue is whether it is per se unethical for defendants in a civil rights case to insist on tying settlement negotiations on the merits of the case with settlement of any claim for attorneys' fees that might be advanced by the plaintiffs' attorneys.
*8/1/85	GELLER OBERLY	Filing of merits brief in <u>Heckler v. Roy</u> . The issue is whether federal statutes requiring applicants for food stamps and AFDC to provide their state welfare agencies with their social security numbers violate the Free Exercise Clause as applied to persons who hold a sincere religious belief that SSNs are part of a "great evil."

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*8/1/85	CLAIBORNE ALITO	Filing of brief amicus curiae in <u>Exxon Corp., et al. v. Hunt.</u> The issue is whether an excise tax imposed by the New Jersey Spill Compensation and Control Act was preempted by the later-enacted federal "Superfund" statute.
*8/1/85	FRIED KNEEDLER	Filing of merits brief in <u>Heckler v. American Hospital Association, et al.</u> The issue is whether Section 504 of the Rehabilitation Act of 1973 prohibits a hospital from withholding nourishment or medically indicated treatment from a handicapped child, solely because of his handicap.
*8/1/85	FREY LEVY	Filing of merits brief in <u>United States v. Mechanik, et al.</u> The issue is whether a technical defect in a grand jury proceeding (in this case, the fact that two federal law enforcement officers testified before the grand jury at the same time in violation of Fed. R. Crim. P. 6(d)) can serve as a basis for dismissing the indictment and reversing the defendants' otherwise valid convictions by a petit jury, particularly when there is no evidence that the technical violation was actually prejudicial to the defendants.

* New Entries

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